

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4958 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

1 to 5 - No

PRATIBHABEN DHIRUVKANT GHEEWALA

Versus

STATE OF GUJARAT

Appearance:

MR PJ VYAS for Petitioner

MR BY MANKAD, AGP for Respondent Nos. 1 to 3

MR RJ OZA for Respondent No. 4, 5

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/07/98

ORAL JUDGEMENT

With the consent of the learned counsel for the parties, the petition is taken up for final disposal today.

2. Mr. P.J. Vyas, learned counsel for the petitioner has filed the note dated 20.6.1998 stating that the present petition was admitted on the ground that identical order like the impugned order at Annexure "H" to the petition was also challenged in Special Civil

Application Nos. 6549 to 6599 of 1995. It is further averred that the aforesaid group of petitions was heard and finally disposed of by this Court (Coram : S.K. Keshote, J.) on 21.10.1997 which judgment is now reported in 39(2) GLR 1044. It is, therefore, submitted that the present petition may also be taken up and disposed of in terms of the orders passed in the aforesaid group of petitions.

3. Mr B.Y. Mankad, learned AGP for respondent Nos. 1 to 3, and Mr. R.J. Oza, learned counsel for respondent Nos. 4 and 5 agree that the matter is covered by the aforesaid judgment of this Court in the case of Vanmalibhai Kalidas Hajari vs. State of Gujarat, 39(2) GLR 1044.

4. This petition is accordingly allowed and the impugned order dated 20.4.1981 at Annexure "H" to the petition is quashed and set aside and the consequential order passed by the Mamlatdar and the mutation entry No. 3256 in village Form No. 6 on 8.4.1994 is also quashed and set aside.

It is directed that the case of the present petitioner shall also be considered by the Committee ordered to be constituted by the aforesaid decision dated 21.10.1997 of this Court in Special Civil Application No. 8102 of 1995 with Special Civil Application Nos. 8103, 6594 to 6599, 7536, 7608 and 10320 to 10323 of 1995 reported in 39(2) GLR 1044.

Liberty is granted to the petitioner for revival of this petition in case of difficulty.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

July 6, 1998 (M.S. Shah, J.)